

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING CONTINUED PROSECUTION APPLICATION UNDER RULE 53(d)  
--FOR DESIGN APPLICATION OR FOR 1st CPA AFTER MAY 29, 2000 IN UTILITY APPLICATION FILED BEFORE MAY 29, 2000--

Pursuant to 37 CFR 1.53(d), please file a  
☒ continuation/☐ divisional  
of the pending prior PATENT APPLICATION of:  
Inventor: Elmore  
Serial No. 08/981,087  
Filed: May 27, 1998  
For: TYPE F BOTULINUM TOXIN AND USE THEREOF  
Assistant Commissioner for Patents  
Washington, DC 20231  
Sir:

Atty Dkt.: 1498-133  
C# M#

Date: [LSP1] November 5, 2001  
Group: 1647  
Examiner: Turner

CPA 11647  
BOX CPA  
RECEIVED  
NOV 06 2001  
TECH CENTER 1600/2900

This request for filing under Rule 53(d) is made by the following named inventor(s) (using the above-identified title):  
Inventor(s): Elmore

- ☐ Please delete the following inventors in the CPA:  
Deleted persons:  
☐ A new oath/declaration is attached for any newly named inventor(s).  
☒ Priority is hereby claimed under 35 USC 119 based on the following foreign applications:

Application Number	Country	Day/Month/Year Filed
9511909.5	United Kingdom	12 June 1995
PCT/GB96/01409	Great Britain	12 June 1996

- ☐ certified copy(ies) of foreign application(s) attached OR  
☐ already filed on \_\_\_\_\_ in prior appln No. \_\_\_\_\_ filed \_\_\_\_\_  
☒ already filed in PCT/GB96/01409 filed 12 June 1996  
☒ Address all future communications to: Nixon & Vanderhye P.C., 1100 N. Glebe Road, 8<sup>th</sup> Floor, Arlington, VA 22201  
☐ Applicant claims "small entity" status. ☐ "Small entity" statement attached.  
☒ Please enter the previously unentered Second Amendment Under Rule 116 and Request for Reconsideration of Petition, filed on October 5, 2001.  
☒ The Examiner's attention is directed to the prior art cited in the parent application by applicant and/or Examiner for the reasons stated therein.  
☐ Please enter the attached and/or below preliminary amendment **prior** to calculation of filing fee:  
☐ Also attached: ☐ Information Disclosure Statement ; ☐ Non-Publication Request; ☐ Other:

**FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY HEREWITH CANCELED**

Basic Filing Fee		\$	740.00
Total effective claims	24 - 20 (at least 20) = 4	x \$ 18.00	\$ 72.00
Independent claims	4 - 3 (at least 3) = 1	x \$ 84.00	\$ 84.00
If any proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)		\$	

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) \$110.00/1 month; \$400.00/2 months; \$920.00/3 months) \$ 0.00

Less month extension previously paid on \$-( 0.00)

**SUBTOTAL** \$ 896.00

If "small entity," then enter half (1/2) of subtotal and subtract \$-( 0.00)

**SECOND SUBTOTAL** \$ 896.00

Assignment Recording Fee (\$40.00) \$ 0.00

**TOTAL FEE ENCLOSED** \$ 896.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
BJS:eaw

**NIXON & VANDERHYE P.C.**  
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 

11/06/2001 GTEFFERA 00000032 08981087

11/06/2001 GTEFFERA 00000033 08981087

01 FC:131 740.00 OP

01 FC:102

02 FC:103

92:08 BP

573745